

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ALLAN CHESKIEWICZ,

Plaintiff,

v.

HERAEUS NOBLELIGHT LLC

Defendant.

CIVIL ACTION NO.: 12-cv-00369-RPC

JUDGE RICHARD P. CONABOY

ORAL ARGUMENT REQUESTED

DEFENDANT'S MOTION TO COMPEL DISCOVERY RESPONSES
AGAINST PLAINTIFF ALLAN CHESKIEWICZ

Defendant Heraeus NobleLight LLC ("HNI"), by and through its undersigned counsel, submit this Motion to Compel Responses to Discovery against Plaintiff Allan Cheskiewicz ("Plaintiff"), and in support hereof, allege as follows:

1. On or about May 2, 2012, HNI served Defendant's First Set of Interrogatories and Defendant's First Request for Production of Documents on Plaintiff, true and correct copies of which are attached hereto as "Exhibit A" and "Exhibit B" respectively.
2. Plaintiff's responses to Defendant's Interrogatories and Requests for Production were due on or about June 2, 2012, however, on June 13, 2012, Defendant proposed a stay of substantive discovery pending the completion of brief jurisdictional discovery. A true and correct copy of the June 13, 2012, correspondence of Jerry S. Goldman, Esq. is attached hereto as Exhibit C.
3. On or about June 19, 2012, the parties agreed to stay

substantive discovery pending limited jurisdictional discovery.

4. Limited jurisdictional discovery was completed and the parties proceeded to substantive discovery.

5. On or about October 24, 2012, thirty days after Plaintiff served responses to Defendant's limited jurisdictional discovery, counsel for Defendant requested that Plaintiff respond to the May 2, 2012, substantive Interrogatories and Requests for Production before the end of October 2012. A true and correct copy of the October 24, 2012, e-mail from Matthew Baskir, Esq. to Kimberly Borland, Esq. is attached hereto as Exhibit D.

6. Having received no response from Plaintiff, on November 12, 2012, counsel for Defendant wrote to Plaintiff's counsel and requested that discovery responses be provided on or before November 16, 2012. A true and correct copy of the November 12, 2012, correspondence from Jerry S. Goldman, Esq. to Kimberly Borland, Esq. is attached hereto as Exhibit E.

7. Although no written response to Defendant's November 12, 2012, correspondence was received, a representative from Plaintiff's counsel's office contacted counsel for Defendant and indicated that discovery responses would be forthcoming during the week of November 26, 2012, following the Thanksgiving holiday.

8. To date, Plaintiff has neither responded to Defendant's First Set of Interrogatories and First Requests for Production of Documents, nor has Plaintiff sought, or received, an additional extension of time in which to provide such responses.

9. Pursuant to the Court's scheduling Order, discovery in this matter is scheduled to close on February 1, 2013.

10. As a result of the discovery cutoff, and the need to conduct depositions following written discovery, and in light of Plaintiff's failure to provide any responses to Defendant's written substantive discovery, Defendant HNI files the instant Motion seeking to compel full and complete responses to Defendant's First Set of Interrogatories and Defendant's First Requests for Production of Documents.

11. The undersigned certifies that, by way of the October 24, 2012, correspondence and the November 12, 2012, correspondence, counsel for Defendant attempted in good faith to resolve this discovery dispute prior to seeking the relief sought from the Court in the instant Motion.

12. Accordingly, Defendant HNI requests that the Court enter an Order compelling Plaintiff to provide full and complete responses to Defendant's First Set of Interrogatories and Defendant's First Requests for Production of Documents within ten (10) days of the entry of such Order.

Dated: December 12, 2012

Respectfully submitted,

Jerry S. Goldman, Esquire
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Attorneys for Defendant
Heraeus NobleLight LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 12th day of December 2012, a
copy of the foregoing Motion was served via ECF on:

Kimberly D. Borland, Esq.
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**ATTORNEYS FOR PLAINTIFF
ALLAN CHESKIEWICZ**



Jerry Goldman